

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

MARK WILLIAM LATIMER,

CIVIL NO. 16-4004 (MJD/DTS)

Plaintiff,

v.

ORDER

WARDEN MICHELLE SMITH,  
GUARD CHAD EISCHEMS and  
GUARD TANNER JOHNSON,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated July 20, 2018. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. All claims against Defendant Tanner Johnson are DISMISSED WITH PREJUDICE pursuant to Plaintiff's request for voluntary dismissal of this defendant from the lawsuit [Latimer SJ Motion 17-18, Docket No. 43; Latimer Letter 3, Docket No. 66-1].
2. Plaintiff Mark David Latimer's Motion for Summary Judgment [Docket No. 43] and Motion for Default Judgment [Docket No. 68] are DENIED.
3. Defendants' Motion for Summary Judgment [Docket No. 71] is GRANTED.

4. This action is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 20, 2018

s/Michael J. Davis  
MICHAEL J. DAVIS  
United States District Court Judge